

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re NATIONAL CITY CORPORATION)	Case No.: 1:08 nc 70000
SECURITIES, DERIVATIVE & ERISA)	
LITIGATION)	
)	
This Document Relates To:)	JUDGE SOLOMON OLIVER, JR.
)	
The Derivative Cases)	
1:08-nc-70003)	
1:08-nc-70005)	
1:08-nc-70006)	<u>ORDER AND FINAL JUDGMENT</u>

WHEREAS the parties in the above-captioned action have filed a Stipulation Relating to Report and Recommendation and Withdrawal of Motion for Leave to Amend (“Stipulation”);

WHEREAS on July 29, 2009, Magistrate Judge Nancy A. Vecchiarelli issued a Report and Recommendation relating to certain motions pending in the above-captioned actions;

WHEREAS, for the reasons stated in the Stipulation, the parties do not object to that portion of Magistrate Judge Nancy A. Vecchiarelli’s Report and Recommendation recommending that the Verified Consolidated Shareholder Derivative Complaint (the “Complaint”) filed in the above-captioned consolidated actions be dismissed for lack of standing; and

WHEREAS, for the reasons stated in the Stipulation, plaintiffs have withdrawn their motion for leave to amend;

IT IS HEREBY ORDERED that:

1. The Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli is adopted to the extent it recommends that defendants' motion to dismiss for lack of standing be granted;

2. The Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli is overruled in all other respects as moot, since plaintiffs, for the reasons stated in the Stipulation, have withdrawn their motion for leave to amend; and

3. Thus, consistent with the Stipulation, judgment is hereby entered dismissing the Complaint, with all parties to bear their own costs and fees.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

October 7, 2009